

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 4/2/2019 10:18:15 AM
To: Duncan, Allen [duncan.allen@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Nelson, Brian [nelson.brian@epa.gov]; Wehrly, Linc [wehrly.linc@epa.gov]
Subject: Re: [SPAM-Sender] Boeing Faces ERISA Stock-Drop Suit Over Fatal Crashes

I don't have access to read the full article but I think this is about a Jan 2018 suit filed against Ford and Bosch alleging defeat devices in Ford HD diesel pickups. At this point every chassis certified diesel product produced since 2007 has a class action suit most including Bosch as a defendant as well.

I haven't been following them almost at all but most are based on PEMs testing done by a company called 44Energy in California and allege issues at lower or higher ambient temperatures and on extended cruise.

Tony Fernandez may know more.

Thanks,

Byron

Sent from my iPhone

On Apr 2, 2019, at 6:08 AM, Duncan, Allen <duncan.allen@epa.gov> wrote:

I don't. Byron?

Allen Duncan
Director, Diesel Engine Compliance Center
Compliance Division
Office of Transportation and Air Quality
US EPA
duncan.allen@epa.gov

Sent from my mobile device
Please excuse typos

On Apr 2, 2019, at 06:04, Charmley, William <charmley.william@epa.gov> wrote:

Byron and Allen

Do we know what this first article regarding ford, Bosch, and HD test rigging is about?

Thanks
Bill

Sent from my iPhone

Begin forwarded message:

From: Transportation Law360 <news-q2@law360.com>
Date: April 2, 2019 at 3:43:44 AM EDT
To: charmley.william@epa.gov
Subject: [SPAM-Sender] Boeing Faces ERISA Stock-Drop Suit Over Fatal Crashes



Tuesday, April 2, 2019

TOP NEWS

Boeing Faces ERISA Stock-Drop Suit Over Fatal Crashes

Two participants in a Boeing employee retirement plan have launched a stock-drop suit in Illinois federal court that alleges the aviation giant sat on knowledge of safety problems with its 737 MAX jets, which were involved in two deadly crashes and have now been grounded.

[Read full article »](#)

6th Circ. Urged To Revive Fiat Chrysler, Union Collusion Suit

Auto workers told the Sixth Circuit on Friday that they have the right to privately sue Fiat Chrysler and the United Automobile Workers for allegedly colluding to sacrifice workers' interests during collective bargaining, and that going through the union's grievance process would be useless.

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EPA Must Curb Interstate Smog Pollution, DC Circ. Told

The Sierra Club, Maryland and Delaware have each told the D.C. Circuit that the U.S. Environmental Protection Agency erred when it refused to limit the pollution from upwind power plants that spew emissions and make it harder for downwind states to meet their Clean Air Act requirements.

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DOI's Alaska Road Project Scuttled For Ignoring Enviro Harm

The U.S. Department of the Interior can't ignore an Obama-era decision and trade land with an isolated Alaska community to facilitate the construction of a long-sought road through a national wildlife refuge, an Alaska federal judge ruled Friday.

[Read full article »](#)

Ford, Bosch Must Face Heavy-Duty Truck Emissions Suit

Ford Motor Co. and auto parts maker Robert Bosch LLC must face consolidated class claims they rigged 500,000 heavy-duty trucks to cheat emissions tests, a Michigan federal judge ruled Sunday, saying the consumers substantiated their racketeering and fraud claims.



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POLICY & REGULATION

NY Pols Pass Budget With Congestion Pricing, 'Mansion Tax'

New York state lawmakers on Monday passed a \$175 billion budget that includes congestion pricing for New York City, a transfer tax on luxury properties dubbed the "mansion tax" and an expansion of sales and use taxes on marketplace facilitators.

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AVIATION

High Court Turns Away 4 Employment Cases

The U.S. Supreme Court turned away four employment appeals Monday, including petitions challenging a National Labor Relations Board ruling letting off-duty workers picket near a hospital entrance and an en banc Ninth Circuit ruling letting a Washington flight attendant press her fight to use vacation time to take care of her sick child.

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AUTOMOTIVE

Fed. Law Sinks Mercedes' Antitrust Row With Shippers In NJ

A New Jersey state court judge sank Mercedes-Benz USA LLC's lawsuit alleging that international shipping companies conspired to fix prices, reasoning Friday that the Third Circuit has already determined federal maritime law trumps any other claims concerning maritime violations.

[Read full article »](#)

Fiat Hit With Proposed Class Action Over Engine Part

A proposed class of drivers has filed suit in Arizona federal court accusing Fiat Chrysler Automobiles of selling them vehicles with faulty catalytic converters, adding that a recall logjam may mean drivers can't get the problem fixed in time to pass emissions inspections.

[Read full article »](#)

Travelers Win Class Cert. In Suit Over Cruise-Turned-Bus Trip

A group of travelers who said mechanical difficulties ruined their European river cruise vacations scored a win Monday when a Massachusetts federal judge said they could sue the cruise company as a class.

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BMW Tries To Break Md. Drivers' Oil-Guzzling Engine Claims

BMW said a set of drivers who opted out of a class action settlement last year can't now bring engine defect claims against the company as a group, arguing that the consumers had filed their allegations too late.

[Read full article »](#)

Fires In Kia, Hyundai Cars Come Under Investigation

The National Highway Traffic Safety Administration is launching investigations into fires in Kia and Hyundai cars after receiving complaints of

Environmental Integ

Ethiopian Airlines Et

FCA US LLC

Fiat Chrysler Autom

Ford Motor Co.

Friends of the Colum

General Motors

Google Inc.

Hyundai Motor

JAMS Inc.

Kawasaki Kisen Kai

Kia Motors

Mercedes-Benz

Mitsui OSK Lines Lt

New York State Bar

Nippon Yusen Kabu

Panalpina WeltTrans

Ltd.

Pembina Pipeline C

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The Center for Auto

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Uber Technologies I

United Auto Worken

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Wal-Mart Stores Inc

LAW FIRMS

Abrams & Bayliss

Archer & Greiner

BakerHostetler

Ballard Spahr

Bilzin Sumberg

Boies Schiller

Bonnett Fairbourn

Bredhoff & Kaiser

Bush Seyferth

Carella Byrne

Carey Rodriguez

Cleary Gottlieb

Cole Schotz

Consovoy McCarthy

Conti Fenn

Covington & Burling

blazes in more than 3,000 vehicles, as well as 103 injuries and one death, the agency said Monday.

[Read full article »](#)

Chancery Tosses Derivative Suit Over Uber-Ottomotto Deal

A Delaware vice chancellor dismissed an investor's derivative lawsuit over losses stemming from Uber's deal to buy a self-driving vehicle startup that allegedly stole trade secrets, saying Monday that the investor failed to ask the board to bring the litigation before he did.

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Sports Fans Ask For \$833K In Atty Fees In Robocall Case

Class counsel representing cellphone users who alleged Mid-Atlantic Sports Network, Hyundai and Mercedes-Benz violated telecommunications law by texting them unsolicited promotions asked a Florida federal judge Monday to approve \$833,000 in attorney fees for settling the case.

[Read full article »](#)

RAIL

Permit Denial For Coal Export Facility Passes Policy Test

Washington state's decision to deny a water quality permit for a proposed coal export facility that would ship the fuel to Asia is not preempted by U.S. foreign policy, a federal judge said Monday.

[Read full article »](#)

TRUCKING

Fla. Insurance Agent Cops To \$25M Loan Fraud Conspiracy

A former Miami-area insurance broker pled guilty in federal court Monday to conspiring with his brother to fraudulently obtain hundreds of loans for down payments on trucking policy premiums, scamming \$25 million from financing companies.

[Read full article »](#)

LOGISTICS

Skadden Guides Danish Logistics Co. In \$4.6B Deal

Danish transportation and logistics company DSV, steered by law firms Bär & Karrer, Moalem Weitemeyer Bendtsen and Skadden Arps Slate Meagher & Flom LLP, has agreed to buy Swiss peer Panalpina in an all-share deal with a \$4.6 billion Swiss franc (\$4.6 billion) enterprise value, the companies said Monday.

[Read full article »](#)

MARITIME

Carnival Kickback Suit Headed To 11th Circ. After Dismissal

A Florida federal judge has dismissed a suit by a group of consumers accusing Carnival Cruises of concealing kickbacks it reaped from travel insurance purchases, opening the door for the consumers to appeal her earlier arbitration order to the Eleventh Circuit.

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Earthjustice
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Ferro Labella
Gordon Thomas
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Hagens Berman
K&L Gates
Keller Rohrback
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Sterling Attorneys at
Sullivan & Cromwell
The Miller Law Firm
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GOVERNMENT AG
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Coquille Indian Tribe

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ENERGY

Oregon LNG Project Gets New Life After Earlier FERC Denial

The Federal Energy Regulatory Commission said Friday that most potential environmental problems with a proposed \$10 billion Oregon liquefied natural gas terminal and pipeline project could be alleviated, giving the project a boost after the agency shot it down three years ago.

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EXPERT ANALYSIS

A National Counsel Model For Vehicle Fleet Accident Cases

On the long, winding road toward an efficient vehicle fleet, there are considerable cost savings to be obtained through a national accident defense approach managed by a designated team of in-house and outside counsel, says Clifford Mendelsohn of Tucker Ellis.

[Read full article »](#)

LEGAL INDUSTRY

McDermott Latest Firm To Ditch Mandatory Arbitration Policy

McDermott Will & Emery is the latest BigLaw firm to drop mandatory arbitration agreements for all employees, a reform that has gained increasing support across the legal industry in the wake of the #MeToo movement.

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Pryor Cashman Can't Dodge Ex-Associate's Age Bias Suit

A New York federal judge has refused to let Pryor Cashman LLP escape a former associate's age discrimination suit, saying a jury should decide whether he was wrongly sacked after 18 years or let go because of poor performance.

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Orrick Atty Accused Of Creating Phony Bills For SunEdison

An Orrick partner altered firm invoices worth \$2.28 million for teetering clean energy giant SunEdison so the company could fraudulently draw off a line of credit to pay the firm's long overdue bills, according to a Friday federal bankruptcy court filing.

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Women Attys Group Fires Back After DOJ Nominee's Exit

The National Association of Women Lawyers came out swinging Monday after President Donald Trump's nominee for the U.S. Department of Justice's third-highest rank came under fire for her connections to the group, saying U.S. Attorney Jessie Liu should not have to withdraw her name.

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Judge In Manafort Trial Escapes Complaints Over Comments

A Virginia federal judge escaped four judicial conduct complaints related to comments he made while presiding over Paul Manafort's criminal trial after

Delaware Court of C
Federal Aviation Ad
Federal Communica
Commission
Federal Energy Reg
Commission
Federal Maritime Co
Internal Revenue Se
Massachusetts Attor
Office
National Highway Tr
Administration
National Labor Rela
U.S. Attorney's Offic
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Management
U.S. Postal Service
U.S. Senate
U.S. Supreme Court
United States Bankr
the Southern Distric

the Fourth Circuit concluded that he may have been "injudicious" but did not commit misconduct, according to an order posted online Monday by BuzzFeed News.
[Read full article »](#)

Judge Who 'Lived And Breathed Civility' Inspires ABA Award
Judge William D. Missouri "lived and breathed civility and courtesy," and the late Maryland state jurist's colleagues said he did more than practice what he preached — he wanted to help others follow the same path.
[Read full article »](#)

NY Bar To Probe Impact Of Shift To Uniform Atty Exam
The New York State bar said Monday it will examine how the state's move to a uniform bar exam has affected the quality and diversity of lawyers, again suggesting the exam was adopted without adequate information on its possible consequences.
[Read full article »](#)

Interview
15 Minutes With Boston Globe Media Partners' GC
Before joining Boston Globe Media Partners in 2017, Dan Krockmalnic was an assistant attorney general in Massachusetts, a role that included helping to uphold the state's assault weapons ban. In a recent interview, he said adapting to the GC role is ongoing after what he called an "extraordinarily" steep learning curve when he started at the company.
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